VICTIMS OF THE RACETRACK

WHAT THEY THINK OF THE GOVERNOR'S FIGHT.

sample Letters From Mothers and Wives of Betters, From a School Principal, a Police Lieutenant, and a Gambler Who Says the Committee'll Kill the Bill.

ALBANY, March 1 .-- Gov. Hughes gave out to-day copies of eighteen of the letters relating to racetrack gambling with which the executive offices have been flooded in the last few days. Most of them are from women whos husbands or sons have presented their salarie to the bookmakers. One is from a Brooklyn school principal. one from a New York police lieutenant and one from somebody who signs himself a "plain gambler." The gambler writes:

While I admit that the bookmaker, the amblers and admit that it is the worst kind You may put up 100,000 strong argunents and we will beat you by putting n 200 000 stronger arguments. Your mem ers are already hanging out signs of dis It takes less to kill it in committee that in either house, and that's what we re to play for. Now, Governor, we are towwows, and your committee in the Legis-lature will do it too. Watch and see.

A woman tells the Governor that he has undertaken "a very honorable and absoite duty." "My husband," she writes earns a pretty nice salary and we could ive comfortably were it not for the racetrack. During the seven months of racing my husband draws his wages and goes to the track and after losing one-half or bree-quarters of same he brings the rest home, which is not much. * * * I have a crippled child whom I take to the hospital wice a week, but during the racing season l cannot do same as I have not car fare at imes. I trust that you will understand he rest and may God help you in your dertaking."

Another woman writes that her husband has worked for one firm for thirty years but the races have swallowed all his say ings. "When I talk to him about it there is an awful fight," she says, "and I have to go away from home until he gets over his temper. He does not drink, but it in't much better. * * * When I read the paper for my husband I said to him that will be a blessing when the Governor passes that bill My husband said: 'He can't stop the races; there are too many big men shind the racetrack.' I said to him: Wait until you see what the Governor will o.' I have a son and he is a very good oung man, but I fear he is going in his ther's footsteps, for when he saves a w dollars he is talking about next summer and the races. But I hope to God ere will not be any racing then."

The Brooklyn principal, whose school appears is "near Sheepshead Bay, Brighton Beach and Gravesend," urges the pas-age of the Hart-Agnew bill on this ground: I have had pupils, many of them less than vears old, gambling-led on by the tracks se to my school. I have seen burglary ministed by a boy less than 16 years old get money to go to the racetrack. I hold cancelled check given to a young man for ne of his family less than a year ago, which hom it should have gone; the bookmakers Three of my late graduates, bright every one, are going down, largely brough gambling, and one has begun to teal from his parents. Surely boys are orth more than well bred horses, though many think otherwise.

A young man 24 years old who thinks he could stop gambling if relieved of tempation relates that he lost at the track last ummer \$550, seven years savings.

Here is the police lieutenant's letter: Permit me to thank you for the manly and you have taken to abolish racetrack combling. If it can be accomplished you ill do more good for the youth and homes this State than any act of legislation that rack gambling as conducted to-day by a ang of notorious crooks from all over this ountry and Europe is a disgrace to the fair ame of the glorious State of New York, and have such confidence in your ability and egrity as leader at Albany to believe that s gang of crooks will be seeking other em-

You should visit the field stand, and there will see the graduates from the grand and a more pitable spectacle your eyes Women with hardly clothes and noes to protect them from the weather. Men and youths in the same condition, al trying to beat an impossible and crooked same, legalized by this State. I tell you that Sectrack gambling is the cause of more ith and the greatest curse we have to conend with in this State.

A woman tells the Governor that her husband became "a liar and a cheat and emeralized (it seems) beyond redemption. although he never won much at the track.

I two line note says: DEAR GOVERNOR: My son has done his time" for sake of racing. I and my family

ave suffered in accordance. Another husband who is offered in evience-his family and education were good turned to betting, put in his spare time eading racetrack literature, paid tipeters, pent most of his earnings, neglected his amily and finally was taken to an insane asylum. His wife is now worrying with our children. "Before my husband began etting," she says, "he was most kind and

good, but after he did not have any use or me or his children. I hope you will be ictorious in your efforts to abolish this vice, as I have a little boy who, I hope, will never

Here are parts of other letters: DEAR KIND Sta: Listen to the plea of a roken hearted widow. Do not fail in your

good work to stop racing and bookmaking. I could only relate the case of misery that as brought me and has made a dishonest man of my son, who was good until he got mainted with a bookmaker, and then there has no more work for him but an easy life, every dollar he can lay his hands on and stealing when he cannot get it honestly cookmaking leaves me a hard working coman, carning my living over the tub trying the rest of my family respectable OUR EXCELLENCY: Will you kindly accept

word of appreciation in regard to ar against betting at the racetracks from wife of a Government clerk who has Mered because of money misspent in this Oh, no. I am not a fanatio, but I would e to see some of the evils that almost ruined ved from the path of my son.

DEAR MR. GOVERNOR: I am the father of family and have a son who did wrong secure he bet on the horses. This betting in awful curse and should be stopp takes ruin everywhere. I hope with all my acept the gamblers.

CAR BARN FIRE INQUIRY.

Commissioner Bonner Believes an Incendiar Set It and the Paint Shop Blaze.

Acting under orders from Commissione Hugh Bonner, Fire Marshal Peter Seery has begun an investigation of the fires that destroyed the New York City Railway car barn at Ninety-sixth and Ninety-seventh streets and First and Second avenues and the paint factory of George W. Grote at 430 East 102d street late Saturday night. While Commissioner Bonner said yesterday that he had no proof that the fires were incen-

diary, still he regarded both as suspicious. Two fires started simultaneously in the ear barn. Then while the fire was at its height Grote's paint factory went up in flames. All the available fire apparatus in the east side Harlem district was at the car barn fire and that section was practically unprotected when the factory was discovered to be in flames. Other engine and truck companies were "covering up" for those that had been summoned to the car barn, but they had hardly had time to shift to other quarters when three alarms were tapped in for the factory blaze. Beyond these facts Seery learned nothing yester-

day to verify the Commissioner's suspicions. About 250 cars were destroyed, but the railway officials said yesterday that they will not be inconvenienced in the least today and that traffic in all parts of the city will go on as usual. Most of the cars destroyed were summer cars and cars that were undergoing repairs or being painted.

Oren Root, vice-president and general manager of the company, and John Delaney, superintendent of transportation, put a large force of men to work vesterday tallying the cars of all the lines on the road. It will be sometime to-day before it is known definitely how many cars were burned. From reports received up to last night it was said that 250 cars would be a conser vative estimate of the number destroyed.

Fifty closed cars were run out of the barns in the early part of the fire. These were on the ground floor. The other cars were on the upper floors.

Mr. Root said last night that traffic would go on as usual this morning. He announced that the line from the West Twenty-third street ferry to the Grand Central Station would be discontinued temporarily and the cars put on other lines.

LEOPOLD TO SELL THE CONGO. King Said to Have Made a Bargain With the Belgian Government.

Special Cable Despatch to THE SUN. BRUSSELS, March 1 .- It is stated, with the appearance of greater authenticity than that borne by recent rumors, that the Government has agreed with King Leopold upon terms for the annexation by Belgium of the Congo Independent State and that the terms will be announced in a day or

According to one statement the nation will pay the King \$600,000 yearly for fifteen years and will also carry out public works which King Leopold demands to the extent of \$12,000,000. The arrangement is a compulsory compromise.

The King is not satisfied because he wanted \$30,000,000 expended on public buildings, while the people object to the national exchequer being burdened to such

WATCHDOGS OF CONGRESS.

Committees Wake Up and Propose to WASHINGTON, March 1 .- A wave of reform has struck the House of Representa-

tives, and if the purposes of certain chairmen of committees are carried out investigations will be made into the expenditures n every executive department. The reform movement in the House is reflected in a report just made public. Attention is directed to the fact that there are ten committees of the House that are purely ornamental. They perform no duties, although under the rules their functions are to scrutinize expenditures made by the executive branch of the Government. Six of these committees were created as far back as 1816, namely, those on expenditures in the State, Treasury, War, Navy and Post Office departments and on public buildings.

There was a time when these committee were potential factors in the House. For example the Committee on Expenditures of the War Department made the investigation that resulted in the impeachment pro ceedings brought against Secretary of War Belknap during the Grant Administration. The report says in part:

"The present time has been selected for the resuscitation of the expenditures committees when no charges are pending to invite public attention or excite the public mind and to arouse partisanship. There is no particular head which an investigation or inquiry is aimed to hit. But it is proposed that these committees shall steadily and diligently, without clamor or partisan ship, carefully look into the manner in which the vast amount of money appropriated is expended. It will not be the work of a session, but constant and unremitting vigilance, economies and reforms will be expected to result and will result, useless offices be abolished, law respected. public money properly applied, the Government ecured against unjust and extravagant lemands, retrenchment, claims of the United States satisfied, stricter accountability of public officers and salaries reduced or increased on just and equitable princi-

FOUR LIVES LOST IN A FIRE.

Man and Three of His Children Burned to Death in Their Home.

LANCASTER, N. Y., March 1 .- Anthony Schultz and three children, Nellie, aged 13 years, Joseph, 11, and Mary, 6, were burned to death in a fire which destroyed their home near the Gould Coupler Works in Depew, N. Y., this morning. They lived on the second floor, the family consisting of nine. On the first floor was a saloon kept by George Redneark, and it is believed the first started there. The remaining members of the Schultz household, his wife and four infant children, were rescued by James Gould of Buffalo, who discovered the fire, and Walter, a son of Schultz, who lived next door and whose greecry and home were also burned. years, Joseph, 11, and Mary, 6, were burned

door and whose growty and also burned.

Gould was acting as night watchman at the Gould works, and after discovering the fire turned in an alarm and rushed into the burning building. Young Schultz also appears to be lower the peared about that time and gave the peared about that time and gave the loca-tion of the endangered persons. By the time the women and the little ones were dragged to safety the building was all affame, Schultz and the three children having apparently been suffocated before the fire awakened them. They made no outcry. The loss to Redneark's saloon and Walter Schultz's greeny was about \$5.000, and the ultz's grocery was about \$5,000, and the

Last of the season via Pennsylvania Raliroad.
Leaves New York March 3. Special Pulman train
to Jacksonville. Tickets good returning until
May H. Itinaparies and full information of Ticket
Agunts.—Add.

WOULD HAVE JACKSON PUT OUT

ORIENTAL BANK DEPOSITORS TALK OF APPEAL TO HUGHES.

Bank's Counsel, However, Content to Fight the Matter Out in the Courts, Where They Believe They Can Show That the Depositors' Interests Were Secure.

The depositors of the Oriental Bank have decided to take a hand in the receivership of its original schedule. game played by Attorney-General Jackson and are even talking of an appeal to Gov. Hughes. They held at an uptown club yesterday a meeting that lasted for several hours. As a result a committee of three was appointed, consisting of Michael J Drummond, who is a pipe manufacturer; Marcus Stine, a lawyer, and Eugene Bissell of Brooklyn. This committee held a conference with S. S. Menken of Philbin. Beekman & Menken, attorneys for the bank, and then called on David McClure, who was asked if he would take the case for the depositors. Mr. McClure agreed to take up the matter for the depositors, provided the designation was ratifled at a meeting to be held to-day at the Board of Trade and Transportation rooms. While Mr. McClure was unable yesterday to say anything concerning the action to be taken, as he had not yet been retained, the members of the committee willingly outlined their plans for the fight which will be begun against the Attorney-General

"The depositors have some rights in these matters," said Mr. Drummond yesterday, "and it is about time that the Attorney-General is made to realize that fact. The appointment of the receivers was unfair to the officers and depostiors of the bank, especially at this time, when all plans for payment had practically been made. I am heartily in favor of taking a decided stand at this time. The Attorney-General has ridden over the Bank Superintendent and this playing with the money of de-

positors should be stopped." The plan which will be submitted for the consideration of the depositors is a petition presenting charges to Gov. Hughes and asking him to recommend to the Senate the removal of the Attorney-General. Members of the depositors' committee said also that the depositors will pass a resolution favoring the bill to give to the Superintendent of Banks the initiative in bank receivership

Whether or not the committee can carry out its plans remains to be seen, but S. Stanwood Menken of counsel for the bank, said yesterday that so far as the bank and its officers were concerned they would prefer to fight the matter in the courts where they believe they can force the Attorney-General to agree to drop his motion to make the receivership permanent.

"I have heard of this plan to petition the Governor that he recommend the removal of Attorney-General Jackson," Mr Menken said, "but we will be content to adjust the matter in the court. We believe our position is unassailable and that the court will not consent to putting the bank in the receivers' hands. I shall take occasion in court to reply to some of the statethe bank's condition. I shall also present to-morrow to the depositors some affidavits which may cause them to decide on a different line of action.'

It is known that one of these affidavits comes from a bank examiner who is conversant with the affairs of the Oriental and is entirely favorable to the bank's scheme

for paying the depositors. The order to show cause why the receiver should not be made permanent comes up on Tuesday, but it has been agreed upon be tween the Attorney-General and counsel for the bank to ask for an adjournment of two days. The request for an adjournment came from the Attorney-General, who asked for the delay in order to have a chance to talk over the situation with Supt. Clark Williams. The fact that the Attorney-General had said that he wanted time to consult with Supt. Williams led some of the depositors' committee to believe that Mr. Jackson would back down. Under the Public Officers act the Governor may recommend to the Senate the dismissel of an Attorney General. After notice to the defendant there would be a hearing before the Senate. and a two-thirds majority is required to

HIS ASHES IN THE OCEAN. Woman on the Lucania Fulfils New Yorker's Desire Services Ashore.

Special Cable Despatch to THE SUN LONDON, March 1.-During the Lucania' last eastward passage a woman passenger scattered an urn full of ashes overboard in mid-Atlantic. She obtained a certificate from the captain showing that she had done so, together with the time and the

latitude and longitude. She said the ashes were those of the cremated remains of a prominent New York husiness man, who had directed that they be thus disposed of, and who specified the Lucania, which was his favorite steamer,

as the ship they were to be thrown from. The time for the scattering of the ashes had been previously arranged so that the man's relatives could simultaneously attend a memorial service in New York.

The woman sailed for New York on the Lucania's return trip. No names are mentioned in the story.

NIGHT COURT'S RECORD NIGHT. 232 Prisoners Arraigned in the Ended Sunday Morning.

Magistrate Barlow finished his turn in the night police court with the session ended Sunday morning, a session which made one new record. Saturday night all records for the number of prisoners arraigned was made, 232 men and women facing the Magistrate.

One hundred and fifty-one of those arraigned were convicted, but only \$139 was paid in fines. As a result of the great number of prisoners the police detention pen was jammed with men and women, and after the sentences had been imposed so many were taken to the Jefferson Market prison that it was overcrowded, four and even five prisoners occupying the same

Inspector Russell and a squad of his men -aided a resort at 100 Bowery and arrested sixteen women. When the women came into court Magistrate Barlow did not stop to take any testimony, but sent all of them to the workhouse

FLOTILLA AT CALLAO.

Bestroyers Three Days Ahead of Time -Mexico Preparing for the Fleet. Special Cable Despatch to THE SUN.

Callao, Peru, March 1.-The flotilla of Inited States torpedo boat destroyers arrived here to-day.

Washington, March 1.—The torpedo

boat fletilla has arrived at Callao, Peru, according to a cablegram received to-day at the Navy Department from Lieutenant Commander Hutch I. Cone, the commanding officer. The flotilla is three days ahead

After a stay of about five days at Callao the flotilla will proceed northward. It is due to reach Panama on March 16; Acapulco. Mexico, on March 28, and Magdalena Bay on April 6. After several weeks of target practice with the fleet the flotilla will go to San Francisco to participate in the great naval review in San Francisco Bay.

The flotilla is composed of the Whipple, Hopkins, Hull, Stewart, Lawrence and

MEXICO CITY, March 1.-The tenders and smaller vessels of the American fleet of warships will visit the port of Acapulco on their way to Magdalena Bay. The Mexican Government will accord this portion of the fleet an official welcome at Acapulco, plans for which are now being arranged. It is expected that a delegation of officials will go to Acapulco from this city to greet the visitors Acapulco has no railroad connection with the interior of Mexico.

Excursion parties are being organized in Guadalajara and all the other larger cities and towns of western Mexico to visit Magdalena Bay during the presence there of the American feet All available coast steamers have already been chartered by the prospective excursionists.

Guaymas, Topotehampoland Mazatlan are the three nearest Mexican ports to Magdalena Bay

COLLISION BLOCKS TWO LINES. 34th Street Car Assumes the Right of Way

and Hits a Third Avenue Car. The Third avenue and the Thirty-fourth street surface lines were tied up for more than half an hour about 10 o'clock last night by a collision between two cars at Thirtyfourth street and Third avenue which injured several persons and caused a lot of

excitement. Third avenue cars have the right of way at this point. An eastbound Thirty-fourth street car in charge of Motorman Isaac Anderson, and well filled with passengers, came down the hill to Third avenue at such a rate of speed that Anderson was unable to stop his car, and as it shot across the Third avenue tracks it caught a southbound car amidships and turned it completely

around. The crash was heard for blocks and an alarm was at once sent to Bellevue Hospital for ambulances. The police reserves from the East Thirty-fifth street precinct got on the job at the same time as the company's wrecking wagon.

The Third avenue car was smashed up generally and the Thirty-fourth street car was shy its front vestibule and all of its

windows. Dr. Wall of Bellevue Hospital found only one passenger whose injuries were severe enough to make it necessary for him to go to the hospital. He was Philip Porpp of 332 West Seventeenth street, who had a fractured rib and was badly cut by glass. The others injured by glass and bruises said they were George Howell of 72 Dupont street, Brooklyn; Mrs. Ida McDougall of 1028 Willow avenue. Hoboken, and Mrs. W. C. Dean of 112 Aldine street, Orange, N. J.

CHURCH CLOSED BY CURFEW. Holiness Congregation of 150 Persons

Arrested for Shouting After Hours. GAINESVILLE, Ga., March 1 .- The curfew law, which has been a dead letter for years. was enforced last night against a Holiness congregation and 150 men and women were

The curfew law requires all persons to be at home, unless out for good cause, by 11 o'clock.

The Holiness sect is strong here and has been holding nightly meetings, which continued until long after midnight. These meetings have been characterized by holy dances, holy rolling, shouting, healing, talk in unknown tongues and the like.

The part of the city near where the meet ngs have been held grew weary of the nightly orgies and complained to the authorities. Last night at 11 o'clock Peptecostal Church was raided by the police and the whole congregation was arrested. The Recorder was at City Hall and tried the people as they were brought in. He imposed neminal fines on the leaders and varned the others that meetings must be closed promptly at 10 o'clock.

ANDY HAMILTON FOUND DEAD.

Lobby ist Who Came Into Notoriety Insurance Investigation.

ALBANY, March 1 .- Former Judge Andrew Hamilton was found dead in bed at his home in this city this morning. He had passed away without any one knowing that he had been ill He was about the city last night and returned to his home apparently in his usual health. When he was called this morning there was no response and investigation revealed that be was dead. Apoplexy was the cause of

Judge Hamilton became conspicuous during the life insurance investigation, as it was brought out that he represented the life insurance corporations in watching legislation affecting them in the different States. While the investigation was on he was in Europe ill, but he returned to Albany while the Legislature was considering the Hughes bills and created a sensation by unexpectedly appearing before the committees that were giving hearings on the bills and in the pres-ence of the trustees and presidents of the different life insurance companies he branded them as responsible for what was brought out at the investigation.

Mr. Hamilton was born in Albany forty-five years ago and was a school teacher before he was admitted to the bar. He was graduated from the Albany law school and took up the practice of law here, forming a partnership with the late Hugh Reilly ing a partnership with the late Hugh Reilly. He was a Democrat in politics and opposed D-Cady Herrick's leadership. He had been a City Court Justice and also Assistant District Attorney of this county. Through his friendship with the late John A. McCall he became the legislative attorney for the New York Life Insurance Company and later represented the other large insurance companies. He was president of the Albany Club for several years, retiring from that office a year ago. He was also a member of the Fort Orange Club. Judge Hamilton's wife died about a year ago. He is survived by three daughters, Miss Jessie Hamilton, Mrs. James Cox Brady, who married the son of A. N. Brady, and Miss Hamilton, Mrs. James Cox Brady, who married the son of A. N. Brady, and Miss Masy Hamilton.

HIRED TO BURN AMPERSAND

TWO PRISONERS IN AN ALLEGED INSURANCE PLOT.

One of Them Confesses That He Was in It, Though So Far as Appears Neither Burned the Hotel-Two Other Men Who Had the Job in Hand Threw It Down.

Two men arrested on Saturday and renanded in court yesterday to Police Headquarters are accused of having been members of a conspiracy which contrived the burning on September 21, 1907, of the Hotel

Ampersand at Saranac Lake. The prisoners, according to Inspector McCafferty, say that they and their three ; partners not yet arrested engineered the burning on behalf of a "man who is a nember of the hotel corporation and who said that the hotel would have to go because it was losing money."

The men arrested are Herman Vanderwall, a chiropodist at 978 East 169th street, and formerly of the Hotel Plaza, and Vanderwall's son-in-law, Morris Newmark, a clerk, of 126 West 136th street. The complainant is W. J. Greer, an insurance agent at 46 Cedar street. Vanderwall was captured at Forty-second street and Sixth avenue, and the younger man at 334 Broadway by Detectives Van Twistern, McCor-mick and Butts. Magistrate Droege had

signed warrants for each. Brought in each ignorant of the other's arrest, the prisoners at first said they knew nothing of the Ampersand and its destruction, but Newmark, Inspector McCafferty says, finally became garrulous. Some time efore the fire, he said, his father-in-law had approached him on the subject of mak-

ing a little easy money.

"There's a hotel up there at Saranac that nust come down," is the way Vanderwall talked, according to Newmark.

"Down?" said Newmark, to which Vandervall replied: "Yes; torn down or burned down-some way-and there's \$500 in it for you.'

Newmark says he agreed to the plan which was then revealed. At 100th street and Madison avenue he and Vanderwall picked up two young men who engaged for their expenses up and back, incidentals and \$100 each, to go up to Saranac and burn the Ampersand.

Vanderwall, so the story goes, went with them to the 125th street station of the New York Central, bought their tickets himself and saw them up the stairs to the tracks.

But the two hirelings, McCafferty learns rom other sources, double crossed Vanderwall and Newmark. When the chiropodist had gone they sneaked down to the ticket agent and tried to redeem their tickets and, failing in that, they hired a lawyer to sue the Central for the amount of their fares.

The lawyer jumped right over and told Greer, who had the Ampersand's insurance in charge, and hence the final arrest of Vanderwall and Newmark. The two young men who refused to be incendiaries, McCafferty says, will be witnesses at the trial. They didn't fire the hotel, but it burned

ccording to schedule on the date alleged to have been set by the conspirators. McCafferty's theory is that somebody else was already on the job. The inspector thinks the

men were started off and were to have gone along merely to attract suspicion to themselves in case arson was suspected and the authorities began canvassing the town for suspicious characters. It was Vanderwall, the chiropodist, who

mplicated the director in the hotel corporation, according to McCafferty. The inspector pumped this prisoner a long time before getting any information Finally he would talk. Vanderwall said, on a promise of immunity. McCafferty wasn't able to give that, but

at length, he says, Vanderwall opened up far enough to say that back of the fire was a job put up by this director to burn down the Ampersand, which was losing money, and tuck away the insurance. At Headquarters last night a New York

Central ticket agent identified Vanderwall as the man who had bought two tickets for Saranac Lake on the date alleged. Abe Levy has been engaged as counsel by the prisoners. Inspector McCafferty says more arrests are coming.

OPERATION ON MRS. J. R. DREXEL. Performed at Her Residence for Appendi-

citis-Condition Not Serious. Mrs. John R. Drexel was operated upon for appendicitis yesterday afternoon at her residence, 1 East Sixty-second street. Dr. William T. Bull performed the operation. It was said at the Drexel home last night that Mrs. Drexel was resting comfortably and that her condition is not

Mrs. Drexel was formerly Miss Alice G. Troth of Philadelphia, and at the time of her marriage was living with her mother at 3453 Walnut street in that city.

BURN BOLTER IN EFFIGY.

Constituents of Democratic Kentucky Legislater Who Voted for Bradley Indignant. FRANKPORT. Ky., March 1 .- Representative B. W. Lillard of Danville, who bolted the Democratic nominee for Senator, J. C. W. Beckham and voted for W. O. Bradley, was burned in efflgy by the citizens of Dan-

ville last night. A banner twelve feet wide was hung across the main street of Danville yesterday on which was painted: "Traitor, much did you get?" and a wreath of dollar marks.

The Democrats of Clark county, one of the most hostile communities in the State to Gov. Beckham, met yesterday and commended the bolters, adding to the resolution that defeat with honor was better than victory with dishoner.

AVALANCHE KILLS ELEVEN.

Fifteen Hurt Also Near Simplen Tunnel Entrance-Hostelry Wrecked. Special Cable Despatch to THE UDN. BERNE, March 1 .- An avalanche has

wrecked the hostelry built to accommodate the tunnel for the Loetschberg Railway connecting Berne with the Simplen Tunnel. Eleven men were killed, including a doctor and engineer, and fifteen were seriously The engineer's name was Morvart.

was 50 years old and is said to have been

the representative of an American firm. The building did not stand in the track of avalanche, but it was demolished by the rush of air caused by the displacement of the atmosphere.

English Premier's Heart Weakened by In

fluenza, Says Doctor's Bulletin

Special Cable Despatch to THE SUK. LONDON, March 1 .- Premier Sir Henry Campbell-Bannerman had a relapse to-day after a bad night. Dr. Sir Thomas Barlow visited him again to-day.

A bulletin issued this evening says that the strength of his heart has been somewhat tried by influenza, but his general condition is fairly good.

THIS MAN'S WILL A MAP.

Draws Plot of His Real Estate and Puts Hetr's Name on Each Piece.

PONTIAC, Mich., March 1 .- The will of Robert A. Quartermass of Amy was filed in the Probate Court here yesterday. It was drawn on a piece of manila be

three feet square and gives a minute plot of all the real estate he owned. On the plot is indicated just what portion Quartermass wanted each heir to have. The estate was worth about \$9,000. stock, bonds or other evidence of indebted-

GEN. D'AMADE ROUTS MOORS.

French Troops, Attacked on the March, Punish Assaliants.

Special Cable Despatch to THE SUN PARIS. March 1 .- Gen. d'Amade, the French commander in the Casablanca region, while marching to attack Souk-el-Drin was himself attacked by Madaghra tribesmen. A stiff fight followed, in which the French lost two officers and eight men killed and twenty-three wounded.

Gen. d'Amade repulsed the Moors and pursued them for a distance. He lost a few more men in the pursuit. The losses of the Moors were heavy.

HALF MILLION FIRE IN TAMPA. Four Clgar Factories Among the 300 Buildings Destroyed.

TAMPA. Fla., March 1.-The northeastern section of the city was destroyed by fire this morning. Three hundred buildings, including four large cigar factories, were burned. The loss is more than \$500,000. The cigar factories burned were those of M. Stachelberg & Co., M. Perez & Co., Gonzalez, Fisher & Co. and Esberg, Gunst & Co.

CHOSE HIS MANNER OF DEATH. Man Who Thought He Was Drowning Puts a Bullet Into His Head.

Boston, March 1 .- Raffaele Calibrese, an Italian, 22 years old, put a revolver to his head while floundering about in an airhole in the Charles River at Dedham this afternoon and killed himself rather than drown.

Calibrese had a quarrel on the ice with a boy named John Crossen over the sale of a bicycle and in the dispute the latter rapped the Italian over the head with his hookey stick. Crossen was on skates, while the Italian had none. After hitting Calibrese Crossen skated away and the Italian chased him, firing several shots at the boy as he

The Italian ran directly toward an airhole in the pursuit and without heeding the warnings shouted by skaters he fell into the water. Although the water was only a little above his waist he evidently thought he was going to drown, so he fired a shot through his head and died Crossen was held by the police pending an investigation.

CROWD BEATS NEW POLICEMAN Snowballs Begin the Attack on a Man in

Uniform. Frank X. Warner, a probationary police man attached to the West Thirty-geventh street station, on his way to report for duty shortly after 9 o'clock last night was attacked on Tenth avenue near Fortysixth street by a crowd of boys whose ages ranged from 10 to 14 years. Warner was in uniform but they threw snowballs at him,

many with pieces of coal inside them. The embryo policeman gave chase, but the crowd was reenforced by about ten others who closed in on Warner. Warner was knocked down and badly beaten about the head and body. His clothes were torn and he lost his cap. He made his way to the station house, where Police Surgeon Daniel Smith was called to dress his in-

iuries. Warner is 22 years old and has been on trial for a place in the Police Department for three weeks. He stands 5 fept 10 inches

SEVEN TERRORISTS EXECUTED. Real Calvini, Still in Rome, Had Lent One

and is well built.

of Them His Passport. Special Cable Despatches to THE SUN. ST. PETERSSURG, March 1 .- Calvini and the six persons condemned with him were

executed to-day. ROME, March 1 .- The police have ascertained that Calvini, the alleged correspondent of Italian newspapers who is under sentence of death in St. Petersburg for complicity in the lately discovered revolutionary conspiracy is not an Italian subject, as was at first believed, but a noted Polish revolutionist who appropriated (al-

vini's passport and assumed his name. The real Calvini is here and the police identified him among those attending an anti-clerical meeting to-day in Rome. It is believed that talvini furnished his pass port to his Polish namesake and aided in the plot from here.

THREE DYING AFTER EXPLOSION. National Sulpher Works Will Not Rebuild in Williamsburg.

Three deaths will probably result from the explosion and fire which destroyed the factory of the National Sulr hur Works at the foot of Ross street, Williamsburg, on Saturday. Robert Kerr of 810 Kent avenue and James Egan of 741 Wythe avenue, who were in the grinding department when the mill blew up and were burned all over the body, were dying last night in the Williams. burg Hospital, and in the Eastern District Hospital at the point of death was James Clark, a coal cart driver of 189 Walworth street, who was struck on the head by the roof when it was blown off the factory. Of the six others who were burned two may their sight.

lose their sight.

It became known yesterday that the company will not rebuild in Williamsburg. The sulphur works had for years been looked upon as a menace to other manufacturing industries in the immediate neighborhood, and explosions and fires, which were frequent, invariably caused injury to employees and fremen. were frequent, invariably caused employees and firemen.

PALM BEACH—ST. AUGUSTINE—MIAMI. Seaboard Florida Limited—tally—all Pullman thortest Florida Boute. Office, 1188 B way.—Adv.

BANNERMAN HAS BAD TUBN. CAN'T ISSUE SCRIP DIVIDENDS

UP-STATE P. S. BOARD DENIES

APPLI CATION OF THE ERIE.

It Holds That Dividends Can Be Declared Only From Surplus Profits and That Stock and Bends Can Be Issued Only to Get Money for Necessary Purposes ALBANY, March 1 .- Scrip dividends can-

not be authorized, declares the up-State Public Service Commission, which has denied the application of the Eric Railroad Company for permission to issue such dividends on its first and second preferred stock.

In an opinion written by Chairman Stevens the commission says that after careful consideration, unavoidably occupying a considerable period of time, it holds That in order to authorize the issue of

ness pursuant to section 55 of the public service commissions law three conditions must be complied with

1. That capital must be secured by the 2. That the use of such capital must be

necessary for one or more of the four purposes specified in the section. 3. That the amount authorized is reasonably required for such purpose or pur-

It is further held 1. That dividends must, in obedience to section 23 of the stock corporations law. be declared only from surplus profits.

2. That surplus profits belong to the corporation and not to the stockholders until a dividend is declared. 3. That by the declaration of a dividend payable at a future time no capital is se-

cured to a corporation proposing to issue warrants evidencing such dividend. 4. That an issue of such dividend warrants is not necessary for any of the four purposes specified in section 55. The commission denied the application

for the foregoing reasons and held that no evidence of indebtedness payable more than twelve months after the date thereof can be issued by a railroad corporation except for one or more of the purposes specified in section 55. The board of directors of the Erie Railroad Company on August 28, 1907, declared a dividend of 2 per cent. on its preferred

stock, payable October 1, 1907, and a dividend of 4 per cent, on its second preferred stock, payable November 1, 1917. It further determined to issue interest bearing dividend warrants evidencing the right of the stockholders to the dividends so declared, subject to the approval of the Public Service Commission, and applied for the approval of the commission to the issue such warrants The surplus net earnings of the company on July 1, 1907, were \$15,221,425.31 of which 83,303,781 49 was undivided surplus net profits for the fiscal year ended June 30. 1907 and \$11,927,643.82 undivided surplus

net profits remaining from previous years. The first preferred stock outstanding amounts to \$47.892,400 and the second preferred stock outstanding to \$18,000,000 The dividend of 2 per cent. on the first preferred stock amounts to \$957.848 and the dividend of 4 per cent. on the second preferred stock to \$640,000, making an aggregate of the dividends declared \$1,596,848. Chairman Stevens in his opinion says: Assuming that the dividends declared rould have been lawful prior to the first day

vice Commissions law, which provides for the issuing of stocks, bonds, notes or other evidences of indebtedness payable at periods f more than twelve months, which provide A railroad corporation organized or existing under or by virtue of the laws of the State of New York may issue stocks, bonds, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when need sary for (1) the acquisition of property: (2) the construction, completion, extension of improvement of its facilities; or (3) for the improvement or maintenance of its service or (4) for the discharge of lawful refunding of its obligations, provided, and not other wise, that there shall have been secured

from the proper commission an order author

izing such issue and the amount thereof

and stating that in the opinion of the com-

mission the use of the capital to be secured by

the issue of such stock, bonds, notes or other

evidences of indebtedness is

of July, 1907, the inquiry is as to the proper

construction of section 55 of the Public Ser

required for the said purposes of the cor When any one of the conditions of the statute cannot be complied with in a giver case the commission has no authority to ssue an order authorizing the desired is By the declaration of a scrip dividend and the issuing of the warrants evidencing the same the company secures nothing did not posse s before. A divide dividing of property among the stockhulders it is the direct opposite of the securing capital. It is parting with it. A promise to livide in the future is simply a promise to part with that property in the future. The corporation secures nothing by the dividend After declaring the dividend it possesses no capital which it did not possess before. The money which it promises to divide at a future ime still remains the money of the corpora tion. It can be applied to any lawful purpose directors, and after the declaration of a divipower or authority over the fund which it promises to divide than it had before the declaration of the dividend. Every dellar of the money or property which warrants the declaration of such a dividend is already

the property of the company and nothing

new is secured thereby. Since one of the conditions of the issuing of an evidence of indebtedness under section 55 is the securing of capital for the uses of the corporation and the commission must certify that the capital so to be secured is reasonably required for certain purp is clear that warrants evidencing a sorip dividend cannot be issued under that for the plain reason that no capital is secured thereby. Nor can the issuing of such war-rants be necessary for one of the purposes enumerated in the statute for the plain reason that after their issue the directors have no more power to apply the surplus to one of the required purposes than they possessed before the declaration of the div lend. The issuing of these evidences of indebtedness is clearly not necessary for the acquisition of property, the construction ompletion, extension or improvement of the facilities of the company or for the improvement or maintenance of its service. since every dollar of the surplus is now applicable, at the discretion of the directors, to

any or all of these purposes. The further question arises whether the company can lawfully lasue these warrants without the consent of the commi